

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KELLY MCSEAN,

Plaintiff,

v.

DAN BULLOCK, et al.,

Defendants.

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No. 4:23-CV-1072 HEA

OPINION, MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's Third Motion for Leave to Proceed in Forma Pauperis. (ECF No. 14). In the motion, Plaintiff states that she is a "civil committed patient of the Department of Mental Health" and should therefore be exempt from paying the civil filing fee. The Court will deny the motion.

In both the Complaint and the Amended Complaint, Plaintiff identifies herself as a pretrial detainee at the St. Francois County Jail. As a pretrial detainee, she is a "prisoner" as that term is defined in 28 U.S.C. §1915A(c): "As used in this section, the term 'prisoner' means any person incarcerated or detained in any facility who is accused of, convicted of, sentenced for, or adjudicated delinquent for, violations of criminal law or the terms and conditions of parole, probation, pretrial release, or diversionary program."

What is more, the Court already granted Plaintiff's Second Motion for Leave to Proceed in Forma Pauperis on April 22, 2024. (ECF Nos. 10, 15). In doing so, the Court gave Plaintiff twenty-one (21) days to pay an initial partial filing fee of \$13.23. Plaintiff has not complied. In recognition of Plaintiff's self-represented status, the Court will grant Plaintiff an additional twenty-one (21) days to pay the initial partial filing fee. If Plaintiff fails to timely comply with this Memorandum

and Order, the Court will dismiss this action without prejudice and without further notice. The Court will not grant any further extensions.


Accordingly,

IT IS HEREBY ORDERED that Plaintiff's Third Motion for Leave to Proceed in Forma Pauperis is **DENIED**. (ECF No. 14).

IT IS FURTHER ORDERED that Plaintiff shall pay an initial filing fee of \$13.23 **within twenty-one (21) days** of the date of this Order. Plaintiff shall make her remittance payable to "Clerk, United States District Court," and shall include upon it: (1) her name; (2) her prison registration number; (3) the case number; and (4) that the remittance is for an original proceeding.

IT IS FURTHER ORDERED that if Plaintiff fails to timely comply with this Memorandum and Order, the Court will dismiss this action without prejudice and without further notice. The Court will not grant any additional extensions.

Dated this 18th day of June, 2024.



HENRY EDWARD AUTREY
UNITED STATES DISTRICT JUDGE